IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 31ST OCTOBER 2007 / 9TH KARTHIKA 1929

WP(C).No. 31342 of 2007(F)

PETITIONER:

SMT. ANNIE PAUL, W/O LATE PAUL,
KATTUKARAN HOUSE, AMMADAM, THRISSUR.

BY ADV. SRI.I.DINESH MENON

RESPONDENTS:

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1. THE REGIONAL TRANSPORT AUTHORITY,
THRISSUR.

2. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
THRISSUR.

BY GOVT. PLEADER SRI. BENJAMIN PAUL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 31/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO 31342/07

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1. COPY OF THE DEATH CERTIFICATE OF THE PERMIT HOLDER

EXT.P2. COPY OF THE FAMILY MEMBERSHIP ISSUED BY THE VILLAGE OFFICER

EXT.P3. COPY OF THE DECLARATION DT. 22.6.07

EXT.P4. COPY OF THE PROCEEDINGS DT. 18.8.07

EXT.P5. COPY OF THE JUDGMENT IN OP NO.10465/1993 DT. 26.11.93

/TRUE COPY/

PA TO JUDGE.

ANTONY DOMINIC, J.

W.P.(C). NO. 31342 OF 2007

Dated this the 31st day of October, 2007

J U D G M E N T

On the death of the permit holder of a Stage Carriage vehicle, who was the petitioner's husband, petitioner had applied for transfer of permit in her favour. Consideration of the same was adjourned by the 1st respondent for want of legal heirship certificate. On account of this, the present writ petition has been filed.

2. From Ext.P3, I notice that the petitioner's two daughters have jointly made a request for the transferring the permit in favour of their mother. Once it has been so done, there is no necessity of any legal heirship certificate, as is now demanded by the 1st respondent in Ext.P4. This appears to be the settled position as per Ext.P5 judgment in W.P.(C) No.10465/93 and as per the decision in ***Ambika Devi v. Joint Regional Transport Officer*** [1998 (1) KLT 747].

Therefore, I dispose of this writ petition with a direction to the 2nd respondent to consider the application made by the petitioner for transfer of the permit in her favour without insisting on a legal heirship. This shall be done, as expeditiously as possible, at any rate, within six weeks from the date of receipt of a copy of this judgment.

ANTONY DOMINIC, JUDGE

vps